

AN ACT

relating to motorcycle equipment and training and the license requirements for a three-wheeled motorcycle; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as Malorie's Law.

SECTION 2. Section 521.148(a), Transportation Code, is amended to read as follows:

(a) An applicant for an original Class M license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a ~~basic~~ motorcycle operator training course approved by the department under Chapter 662. The department shall issue a Class M license that is restricted to the operation of a three-wheeled motorcycle if the motorcycle operator training course completed by the applicant is specific to the operation of a three-wheeled motorcycle.

SECTION 3. Section 545.416(b), Transportation Code, is amended to read as follows:

(b) An operator may not carry another person on the motorcycle, and a person who is not operating the motorcycle may not ride on the motorcycle, unless the motorcycle is:

(1) designed to carry more than one person; and

(2) equipped with footrests and handholds for use by

1 the passenger.

2 SECTION 4. Effective January 1, 2015, Subchapter K, Chapter
3 547, Transportation Code, is amended by adding Section 547.617 to
4 read as follows:

5 Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED.
6 A motorcycle that is designed to carry more than one person must be
7 equipped with footrests and handholds for use by the passenger.

8 SECTION 5. Section 662.002(b), Transportation Code, is
9 amended to read as follows:

10 (b) The program:
11 (1) shall contain information regarding operating a
12 motorcycle while carrying a passenger; and
13 (2) may [~~shall~~] include curricula developed by the
14 Motorcycle Safety Foundation.

15 SECTION 6. Section 662.006, Transportation Code, is amended
16 to read as follows:

17 Sec. 662.006. UNAUTHORIZED TRAINING PROHIBITED. (a) A
18 person may not offer or conduct training in motorcycle operation
19 for [~~a~~] consideration unless the person is licensed by or contracts
20 with the designated state agency.

21 (b) A person who violates Subsection (a) commits an offense.
22 An offense under this subsection is a Class B misdemeanor, except
23 that the offense is a Class A misdemeanor if it is shown on the trial
24 of the offense that the defendant has been previously convicted of
25 an offense under this section.

26 SECTION 7. Section 662.008(b), Transportation Code, is
27 amended to read as follows:

1 (b) Following denial, suspension, or cancellation of
2 ~~[Before the designated state agency may deny, suspend, or cancel]~~
3 the approval of a program sponsor or an instructor, notice and
4 opportunity for a hearing must be given as provided by:

5 (1) Chapter 2001, Government Code; and

6 (2) Chapter 53, Occupations Code.

7 SECTION 8. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect on the date the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

15 SECTION 9. Except as otherwise provided by this Act, this
16 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 3838 was passed by the House on May 8, 2013, by the following vote: Yeas 139, Nays 8, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3838 on May 23, 2013, by the following vote: Yeas 136, Nays 6, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3838 was passed by the Senate, with amendments, on May 21, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor